

Action Item Summary

EPA Technical Meeting #1

November 10, 2014: 9:00 am - 12:00 pm

ICF INTERNATIONAL | 630 K Street, Sacramento CA 95814

I. Introductions:

Attendees: Cassandra Enos (DWR), Gardner Jones (DWR), Dennis McEwan (DWR), Tim Vendlinski (EPA), Stephanie Skophammer (EPA), Erin Foresman (EPA), Steve Centerwall (ICF), David Zippin (ICF), Jennifer Pierre (ICF), Steve Culberson (USFWS), Matt Nobriga (USFWS), Cathy Marcinkevage (NMFS), Chad Dibble (CDFW), Michelle Banonis (USBR), Adam Smith (ICF), Chandra Chilmakuri (CH2M Hill)

II. Topics:

Topic 1: EPA is concerned that the DEIS does not fully define and describe the relevance of the estuarine salinity gradient or report a year-round salinity gradient/Delta outflow analysis for each alternative.

Areas of Discussion:

- The BDCP EIS/EIR evaluates impacts of operations for state and federal water projects. The SWRCB process looks more broadly at flows beyond what the projects “control.”
- BDCP and EIR/EIS need to better articulate the context of effects from the proposed project against declining baselines of water quality and fish abundance.
- BDCP and EIR/EIS need to clearly communicate that comparisons between alternatives and the NAA baseline may appear to show positive effects to a given resource (e.g., relative abundance of longfin smelt), but the apparent positive effects are actually just slower rates of decline for a given resource when compared to existing conditions.
- EIR/EIS needs to better articulate a process for arriving at CEQA and NEPA conclusions.
- NEPA conclusions should be included in the SDEIS.
- ICF will not add a *quantitative* discussion of a broad ecosystem indicator in the SDEIS, i.e., effects of the project on the low salinity zone as measured by X2 versus effects of the project on individual species. But ICF will consider adding a *qualitative* discussion of Alt 4 in the SDEIS. EPA thinks all the alternatives should

be evaluated against a broad ecosystem indicator so their relative benefits and costs can be discerned. DWR/ICF will invite EPA to join their discussions with the lead federal agencies as they address this idea for using a broad ecosystem indicator.

Action Items:

- ICF will complete an analysis of downstream effects including sediment loads and tidal impacts for addition to BDCP Section 5.3, Ecosystems and Landscapes. ICF will include similar information in the SDEIS to capture the ecosystem-level changes.
- ICF will augment and clarify Section 5.3 to acknowledge X2 as a broad ecosystem indicator, include any relevant ecosystem-level analyses pertaining to changes due to BDCP, and discuss habitat contiguity and integrity. EPA asked to review this material before the SDEIS is published.
- EPA will review the revised Section 5.3 to determine if the analyses address its concerns.
- ICF, FWS, and NMFS will revise the habitat suitability indicators (HSI) to capture a range of outcomes related to the interplay between habitat restoration and flow.
- ICF will work with all agencies to revise the analyses of net effects, and potentially create new, or modify existing, conceptual models to support its conclusions about net effects, including ecosystem-scale analyses.
- ICF will describe any contribution that the BDCP will make toward the overall flow needs of the Bay Delta, and describe how this contribution compares to the flow needs of the ecosystem as articulated by scientists.¹ ICF will share this write-up with EPA before publishing the SDEIS.
- ICF will describe the BDCP's relationship to the Clean Water Act and SWRCB's comprehensive update of the Bay Delta WQCP. This includes updating and reconciling the many, varying, descriptions of SWRCB's process in the DEIS for the sake of consistency. ICF will share this write-up with EPA before publishing the SDEIS.

Topic 2: EPA is concerned that the DEIS does not describe potential effects on dissolved oxygen (DO) and other contaminant concentrations as a result of more frequent

¹ Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem Prepared Pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009, (2010 Flows Report), available at http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/docs/final_rpt080310.pdf
Dibble, C. and Water Branch. Quantifiable Biological Objectives and Flow Criteria for Aquatic and Terrestrial Species of Concern Dependent on the Delta. California Department of Fish and Game; 11/23/2010.
Final Draft Restoration Plan for the Anadromous Fish Restoration Program: A Plan to Increase Natural Production of Anadromous Fish in the Central Valley of California; <http://www.fws.gov/stockton/afrp/rationale.cfm>

dead pool conditions in upstream reservoirs.

Action Items:

- ICF will develop text to explain the modeled impacts re: frequency of deadpool conditions that would occur in reservoirs due to climate change assumptions. This will be included in the Supplement and/or Final DEIS.
- Jim Moose (RMM, LLC) is drafting a scope of work for additional discussion of the uncertainties associated with the no action alternative (NAA). This discussion may be a stand-alone section or an integrated part of the SDEIS. The Final EIS will include a “master response” concerning operational changes.

Topic 3: EPA is concerned that the proposed project appears to rely solely on habitat restoration for ecosystem recovery when ongoing freshwater diversions have played a significant role in precluding the recovery of Bay Delta ecosystem processes and declining fish populations.

Action Items:

- FWS, NMFS, and Reclamation will identify Preferred Alternative.
- For each impact statement, include a CEQA and NEPA conclusion.
- DWR/ICF will clarify what methods were used to reach conclusions, especially for Alternative 8.

Topic 4: EPA is concerned that CM1 alternatives may contribute to declining populations of Delta smelt, longfin smelt, green sturgeon, and salmon (winter-run, spring-run, fall-run) and may not be mitigated by restoration. The DEIR/DEIS appears to assume a 100% successful outcome for restoration. Less than 100% success of this restoration may influence salinity results.

Areas of Agreement:

- DWR/ICF will describe in the SDEIS how the HSI were used to evaluate restoration success.
- DWR/ICF will describe in the SDEIS how the proposed wetlands will be designed and sited, and how the wetland functions will mitigate for water quality impacts of the project (e.g., salinity, selenium, methylmercury). Further, the SDEIS will clarify that DWR/ICF are not assuming that the restoration will be 100% successful. In that case, DWR/ICF will identify restoration targets, explain how success will be measured, and describe the actions necessary to ensure the proper functioning of wetlands.

Action Items:

- DWR/ICF will add text to Chapter 11 (methods) to clearly describe the decision process that was used to reach conclusions (same as for Topic 3). EPA requests reviewing this section before it is published in the SDEIS.

Topic 5: EPA is concerned that there is a potential for conflict with other HCPs.

Areas of Agreement:

- DWR/ICF will ensure that the planning, implementation, and monitoring for the BDCP will dovetail with all the proposed/ongoing and proposed HCP's whose boundaries meet within the Delta.

Action Items:

- EPA (Paul Jones) will review handout provided by David Zippin.
- DWR/ICF will summarize in the Final DEIS the intersection between the BDCP and the proposed/ongoing HCPs within the counties of Contra Costa, Sacramento, San Joaquin, and Yolo.

Topic 6: EPA is concerned with projected decreases in longfin smelt abundance for all but one of the alternatives, and increases in entrainment for juvenile delta smelt under Alt 4. Furthermore, EPA recommends expressing measures for delta smelt rearing habitat in absolute terms, and requests more detail about how the proposed North Delta diversion screens would prevent entrainment.

Action Items: DWR/ICF will add the following to the SDEIS:

- context relative to the NAA and species status;
- context that ICF couldn't include benefits in the modeling but if they occur as they'd expect, then the effects will be even better for species;
- greater detail about the process for designing 'state of the art' fish screens and the current assumptions pertaining to design (mesh size, sweeping and approach velocities, etc.); and
- a clearer disclosure that the proposed project is not expected to increase the abundance of longfin smelt relative to existing conditions, but instead it will affect how much abundance declines relative to existing conditions.

Topic 7: How will NEPA effects determinations be revised in light of potential impairments to beneficial uses (e.g., the effect of the proposed project on the reproduction and

survival of native fish)?

Action Items:

- DWR/ICF will clarify the effects determinations for the beneficial uses that will be affected by the proposed project.

III. Wrap-Up and Next Steps

Thursday will be salinity and bromide, then there will be additional meeting for contaminants and modeling approach.

EPA Note: Some of these notes refer to “agreements” or “conclusions.” At this point, EPA is responding to tentative proposals for revisions suggested by the lead agencies or its consultants. Any agreements or conclusions referenced in this document are similarly tentative. EPA will base its Section 309 review on the actual released contents of the public revised DEIS and/or supplemental DEIS (whichever approach is taken).